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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,418	08/04/2003	Naoya Nakanishi	SNY-038	2559
20374	7590	10/17/2006	EXAMINER	
KUBOVCIK & KUBOVCIK SUITE 710 900 17TH STREET NW WASHINGTON, DC 20006				CHUO, TONY SHENG HSIANG
ART UNIT		PAPER NUMBER		
		1745		

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/633,418	NAKANISHI ET AL.
	Examiner Tony Chuo	Art Unit 1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 18 August 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-3 and 5 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3 and 5 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 8/4/03 is/are: a)  accepted or b)  objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_  
  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Amendment***

1. Claims 1-3 and 5 are currently pending. Claim 4 has been cancelled. New claim 5 has been added. Claims 1-3 and 5 do overcome the previously stated 102 and 103 rejections. However, upon further consideration, claims 1-3 and 5 are currently rejected under the following 112, 102, and 103 rejections.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "terminal connector which penetrates from inside of the battery to outside of the battery" is not supported by the specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3 and 5 recites the limitation "said negative and positive electrode assemblies" in lines 11 and 17 of claim 1, lines 2-3 of claim 2, line 7 of claim 3, and line 2 of claim 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamura et al (US 2003/0064285). The Kawamura reference discloses a battery "10" comprising: an inner electrode body "1" containing a positive electrode plate and a negative electrode plate made up of at least one metal foil wound; a pair of negative terminal "15B" and positive terminal "15A" wherein the negative external terminal "15B" is secured to the cap "13" of the battery; a current collector plate "7B" that is connected to an edge of an electrode at one end of the electrode body "1" to electrically connect the electrode body to the negative terminal "15B"; and a negative electrode lead member "8B" that is protrusively formed on a surface of the current collector plate and extends in the direction of the axis of the electrode body on a side of the current collector plate not connected to the edge of the electrode that is welded to a base portion of the negative terminal "15B" to form a welded surface between the negative electrode lead member and the base portion extending in the direction of the axis of the electrode body (See Figure 2 and paragraph [0100]). It also discloses a base portion of the negative terminal "15B" comprising a flange "14B" portion that is connected to an

outer circumferential wall of the negative electrode lead member by laser welding (See paragraph [0087] and Figure 2).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al (US 2003/0064285). The Kawamura reference is applied to claims 1 and 2 for reasons stated above. In addition, it also discloses a negative terminal "15B" that comprises a terminal connector "22", an elastic body "17" which electrically insulates the cap of the battery from the terminal connector, and rivet means "14B" & "15B" connecting the terminal connector and the elastic body (See Figure 2). Further, in another embodiment, it also discloses a negative terminal "15B" comprising a flange portion "14B" that has an inner circumferential wall and an outer circumferential wall (See Figure 1). However, it does not expressly teach an outer circumferential wall of one or more than one connecting piece and inner circumferential wall of flange portion that form a connection and a laser beam that is irradiated onto the connection from outside the flange portion to weld the current collector plate to the negative terminal. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kawamura battery to include an outer circumferential

wall of one or more than one connecting piece and inner circumferential wall of flange portion that form a connection and a laser beam that is irradiated onto the connection from outside the flange portion to weld the current collector plate to the negative terminal because rearrangement of parts was held to have been obvious (*In re Japikse* 86 USPQ 70 (CCPA 1950)).

### ***Response to Arguments***

10. Applicant's arguments, see Remarks, filed 8/18/06, with respect to the rejection(s) of claim(s) 1-4 under 35 USC 102 and 103 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kawamura et al.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Chuo whose telephone number is (571) 272-0717. The examiner can normally be reached on M-F, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's trainer, Susy Tsang-Foster can be reached on (571) 272-1293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TC

*Susy Tsang Foster*  
**SUSY TSANG-FOSTER**  
**PRIMARY EXAMINER**